

DEPARTMENT OF FOOD AND AGRICULTURE  
PROPOSED CHANGES IN THE REGULATIONS  
Title 3. California Code of Regulations  
Article 30. Nectarines  
Article 34. Peaches

**INITIAL STATEMENT OF REASONS**

**DESCRIPTION OF THE PUBLIC PROBLEM, ADMINISTRATION REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS**

The proposed changes are intended to address the marketing and shipping needs of the nectarine and peach industries.

**SPECIFIC PURPOSE AND FACTUAL BASIS**

The specific purpose of amending Section 1446.9 is to add sizing nomenclature for Peento type nectarines.

The specific purpose of amending Section 1454.16 is to add sizing nomenclature for Peento type peaches.

Peento type nectarines and peaches are smaller and of a different shape than typical nectarines and peaches. Because of this, they do not meet the current weight/count size requirements specified in the California Code of Regulations.

**FACTUAL BASIS FOR THE DEPARTMENT DETERMINING THE NEED FOR THE AMENDMENT OF THESE REGULATIONS:**

The proposed changes have been petitioned for by the California Grape and Tree Fruit League (League), a major industry organization representing about 85% of California's table grape and deciduous tree fruit shipments.

The League cites the following arguments in support of the proposed additional sizing nomenclature:

- Promote orderly marketing of these products
- Standardized fruit size nomenclature
- Accurate product labeling

The Department has issued experimental pack permits to accommodate the weight/count size descriptions needed to pack these types of nectarines and peaches.

## **DOCUMENTS RELIED UPON**

- Letter dated September 18, 2006 from California Grape and Tree Fruit League, signed by Barry Bedwell, President.
- List of Experimental Pack Permits for Peento type nectarines and peaches.

## **ALTERNATIVES**

The Department has initially determined that no alternative considered by the Department would be more effective in carrying out the purpose for which these regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

## **ESTIMATED COSTS OR SAVINGS TO PUBLIC AGENCIES OR AFFECTED PRIVATE INDIVIDUALS OR ENTITIES**

The Department has initially determined that no savings or increased costs to any state agency, no costs under "Part 7 (commencing with Section 17500) of Division 4" of the Government Code to local agencies or school districts requiring reimbursement, no other nondiscretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the State will result from these proposed regulations. The Department has also determined that these proposed regulations do not impose a mandate on local agencies or school districts.

## **SMALL BUSINESS IMPACT STATEMENT**

The Department has initially determined that these proposed changes in the regulations would result in no added costs to small businesses affected by these proposed changes and would have a positive effect on such businesses. This is based on the fact that the proposal offers a new standard container and more flexibility of an existing container for shipping of apricots, nectarines, peaches, and plums and fresh prunes. The proposed amendments meet the needs of the affected commodity groups without requiring change on the part of industry.

## **ECONOMIC IMPACT ON AFFECTED BUSINESSES**

The Department has initially determined that these proposed regulations would result in no costs to private businesses or individuals affected by these proposed regulations. This is based on the fact stated in the "SMALL BUSINESSES IMPACT STATEMENT."